

DOCUMENTS

IN RELATION

o Senate bill, No. 281, "granting to the Galena and Chicago Union Railroad Company the right of way over the public lands of the United States, and for other purposes."

MAY 15, 1838.

Submitted by Mr. Young, and ordered to be printed.

GENERAL LAND OFFICE,
April 21, 1838.

SIR: My attention having just been directed to the fourth section of the Senate bill No. 281, for "granting to the Galena and Chicago Union Railroad Company the right of way over the public lands of the United States, and for other purposes," I respectfully beg leave to submit through you to the honorable Committee on Roads and Canals, the enclosed draught, marked A, of a substitute for said fourth section, which has been dictated by the experience of this office in adjusting several grants made upon similar principles, and which is calculated to remove many obstacles to a speedy and satisfactory adjustment of this grant, should the bill become a law.

It will be perceived that the amendments propose nothing more than to restrict the *lateral* limits of the grant to the section lines, and in express terms to give to the company the right of pre-emption to those sections numbered with odd numbers, upon the plats of the public surveys, thus reserving the even numbered sections (which include the school sections numbered 16) to the United States, and whilst the same objects would substantially be accomplished, the intention would be more clearly defined than if the words "*a quantity of land equal to one half of two sections in width on each side of said railroad,*" which are rather indefinite and ambiguous, were employed to define the limits of the grant. A *proviso* has likewise been added, subjecting the sections which would remain to the United States to the operation of all the general land laws, in justice to the present settlers.

I also beg leave to note, that the words "of the Treasury," after the word "secretary," in the 19th line of the 5th section, and the words "before said six years shall have expired," or others of similar import, after the word "time," in the 24th line of the same section, it would seem have been inadvertently

Blair & Rives, printers.

omitted. Moreover the words "certificate of purchase" should be inserted after the word "receipt," in the 12th line of the second section, inasmuch as the patent is by law issued upon the certificate of purchase.

I am, sir, very respectfully,

Your obedient servant,

JAMES WHITCOMB,

Commissioner.

To the Hon. RICHARD M. YOUNG,
Senate Chamber.

A.

SECTION 4. *And be it further enacted*, That in addition to the said grants and privileges, the said company shall have the right of pre-emption, at the minimum price of one dollar and twenty-five cents per acre, to all the land not heretofore otherwise appropriated or disposed of, in the sections and fractional sections numbered with odd numbers upon the plats of the public surveys which shall be found within the limits of two sections in breadth, taken in north and south, or east and west tiers, on each side of said railroad, from one end thereof to the other, and reserving the even numbered sections taken as above to the United States; and excepting from said pre-emption right, any and every quarter section of land upon which there is an improvement or which may be in the occupancy of an actual settler: *Provided*, That the lands hereby granted shall not be subject to the disposal of said company until the plats of survey of the route of the said railroad, as definitively located, shall have been returned to the Commissioner of the General Land Office, as required by the first section of this act, shall have been approved by the Secretary of the Treasury, and the official lists of the same (to be approved in like manner) shall have been prepared from the plats on file in the General Land Office, and transmitted to the president of the railroad company: *Provided*, That the sections cut by the line of said railroad in ascertaining the lateral limits of said grant, shall be counted as lying on or towards that side of the said line upon which the larger portions of said sections, respectively, shall be situated, to be ascertained by reference to the mile lines and corners of said sections, and the land and water thereby included: *Provided, also*, That the said sections so reserved to the United States shall be subject to the same general laws and regulations as other public lands.